

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES
FEBRUARY 27, 2018**

Trustees Present:

Michael Calkins, Chair
Jerome Klasmeier, representing Comptroller Peter Franchot
Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland
Department of Planning
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department
of Agriculture
Catherine Cosgrove
Tom Mason
Taylor Huffman
Joe Wood
J. Bruce Yerkes

Trustees Absent:

Susanne Brogan, representing Treasurer Nancy Kopp
William Allen
Bernard L. Jones, Sr.
Ralph Robertson

Others Present:

Michelle Cable, MALPF Lead Administrator
Diane Chasse, MALPF Administrator
Chana Turner, MALPF Administrator
Amanda Wilson, MALPF Fiscal Specialist
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator
Tamekia Dent, MALPF Office Secretary
Carol S. West, MALPF Executive Director
Justin Hayes, Assistant Attorney General, Department of Agriculture
Nancy Forrester, Assistant Attorney General, Department of General Services
Wally Lippincott, Baltimore County Program Administrator
Bobby Prigel, Baltimore County Landowner
Hans Wilhelmsen, Baltimore County Landowner
Billy Gorski, Anne Arundel County Planner
Bill Amoss, Harford County Program Administrator
Brian Baker, Harford County Landowner
Bob Wilson, Harford County Consultant for Mr. Baker
Stewart Getz, Harford County Attorney for Mr. Baker
David Button, Harford County Landowner

Others Present By Phone Conferencing:

Charles Rice, Charles County Program Administrator
Deborah Bowers, Carroll County Program Administrator
Donna Smith, Queen Anne's County Program Administrator
Martin Sokolich, Talbot County Program Administrator
Rich Bernstein, Baltimore County Landowner

Mr. Calkins, Chair, called the meeting to order at 9:10 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

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- configuration in its entirety;
- 8) Verification from the County that stormwater management requirements will be waived; and
- 9) Board determination if a second pre-existing dwelling shall be made non-subdividable from the farm.

Ms. Chasse introduced the item. Mr. Amoss, Mr. Baker, Mr. Wilson and Mr. Getz were available to address the Board.

Motion #2: Approve the request for a land exchange that will add 3.4 acres into the easement area in exchange for creating a 3.4 acre Non-Subdividable, Non-Conforming Use Envelope to remain encumbered with the MALPF easement.

Approval includes Staff recommendations #1 through #8 – except that Mr. Baker will NOT be required to waive the right to request termination of the easement (as is included in Staff recommendation #1).

Motion: Cosgrove Second: Yerkes
Favor: Cosgrove, Yerkes, Klasmeier, Huffman
Opposed: Mason, Wood, Oberg
Abstain: Cornwell
Status: Failed: A majority of the members in attendance did not vote in favor the motion.

Motion #3: Approve the request for a land exchange that will add 3.4 acres into the easement area in exchange for creating a 3.4 acre Non-Subdividable, Non-Conforming Use Envelope to remain encumbered with the MALPF easement.

Approval includes Staff recommendations #1 through #8 only.

Motion: Oberg Second: Wood
Favor: n/a
Opposed: Oberg, Wood, Cosgrove, Yerkes, Klasmeier, Huffman, Mason, Cornwell
Status: Failed: Mr. Hayes informed the Board that they cannot make a second motion that contains the same information as a previously defeated motion.

Motion #4: Approve the request for a land exchange that will add 3.4 acres into the easement area in exchange for creating a 3.4 acre Non-Subdividable, Non-Conforming Use Envelope to remain encumbered with the MALPF easement.

Approval includes Staff recommendations #1 through #8. For Item #1, Staff will replace the requirement for Mr. Baker to waive the right to request termination of the easement in exchange for including language that the 3.4 acre Non-Subdividable, Non-Conforming Use Envelope, which will be used for an allowed commercial use, cannot ever be used as justification in any easement termination request.

Motion: Cosgrove Second: Yerkes
Favor: Cosgrove, Yerkes, Oberg, Wood, Klasmeier, Huffman, Mason, Cornwell
Opposed: n/a
Status: Approved

2. 12-13-02 Button, David ~139.9 acres

Request:
Request to exclude up to 2.0 acres from the easement for an owner's lot.

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Recommendation:

Staff recommends approval.

Ms. Chasse introduced the item. Mr. Amoss and Mr. Button were available to address the Board.

Motion #5: To approve the request to exclude up to 2.0 acres from the easement for an owner's lot.

Motion: Wood Second: Mason
Status: Approved

B. MOONTGOMERY COUNTY

1. 15-83-01 Allnutt, Ben ~227.88 acres

Request:

Request for a 5-year extension to the validity of the preliminary release for the approved child's lot for Benoni Allnutt, Jr.

Recommendation:

Under COMAR 15.15.06.05.B.2, Staff recommends approval for the extension.

Ms. Cable introduced the item.

Motion #6: To approve the request for a 5-year extension to the validity of the preliminary release for the approved child's lot for Benoni Allnutt, Jr.

Motion: Wood Second: Oberg
Status: Approved

C. BALTIMORE COUNTY

1. 03-06-09 Wilhelmsen, Hans & Kristin ~58 acres

Request:

Request approval for a 1-acre non-subdivideable, unrestricted lot.

Recommendation:

Staff recommends approval, with the non-subdivideable condition to be memorialized by an amendment to the Deed of Easement to permit the unrestricted lot as a building envelope as well as confirm the non-subdivideable status of the other dwellings on the property.

Ms. Cable introduced the item. Mr. Lippincott and Mr. Wilhelmsen were available to address the Board and answer questions.

Motion #7: To approve the request for approval for a 1-acre non-subdivideable, unrestricted lot. To include Staff recommendations.

Motion: Wood Second: Cosgrove
Status: Approved

2. 03-83-14C Bellevalle Farm (Prigel Family Creamery) ~139.9 acres

Request:

Request approval for on-site sales of prepared foods at their creamery retail location (Uses Policy #12).

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Recommendation:

Staff finds the proposal meets the criteria and intent of the Guidelines for Uses and recommends approval of the request.

Ms. Cable introduced the item. Mr. Lippincott and Mr. Prigel were available to address the Board. Mr. Prigel informed the Board of the challenges of the dairy industry and the need to be able to grow the business to remain profitable.

Motion #8: To approve the request for approval for on-site sales of prepared foods at their creamery retail location (Uses Policy #12).

Motion: Wood Second: Cosgrove
Status: Approved

3. 03-13-01 Greenland Farms II, LLC (Tracey) ~82.597 acres
Iceland Farm, LLC (Bernstein)

Request –Baltimore County:

Request approval to agriculturally subdivide the property into a ~60 acre parcel and a ~22.597 acre parcel.

Recommendation:

In accordance with the Foundation's Agricultural Subdivision regulations, Staff recommends approval, subject to the following conditions:

1. The regulatory conditions; and
2. That the corrective easement documents the unrestricted lot right will be associated with the ~22.597 acre parcel and be non-subdivideable from that parcel.

Ms. Cable introduced the item. Mr. Lippincott was available to address the Board and Mr. Bernstein was available via conference call for questions from the Board.

The Board discussed the history of the purchase of the easement, specifically the configuration and size of the portions across the road. There was discussion and concern over the size of the smaller parcel requested to be subdivided. Mr. Lippincott and Mr. Bernstein provided the Board with supporting information both about the operation being conducted on the smaller portion, as well as information about other types of successful agricultural operations on similarly sized properties in Baltimore County.

Motion #9: To approve the request to agriculturally subdivide the property into a ~60 acre parcel and a ~22.597 acre parcel. Approval includes Staff recommendations.

Motion: Wood Second: Cosgrove
Status: Approved

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

A. Legislative Update

Ms. Turner provided the Board with a handout of relevant legislation for the 2018 General Assembly. She also gave a verbal introduction and update.

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Respectfully Submitted:

Carol S. West, MALPF Executive Director